

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

LOREN DATA CORP.,	*	
	*	
Plaintiff,	*	
	*	
v.	*	Civil Action No. 10-03474 (DKC)
	*	
GXS, INC.,	*	
	*	
Defendant.	*	
	*	
* * * * *		

**STIPULATION REGARDING PENDING MOTION TO DISMISS IN LIGHT OF  
FILING OF FIRST AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for plaintiff Loren Data Corp. (the “Plaintiff”) and defendant GXS, Inc. (the “Defendant”) that:

WHEREAS plaintiff Loren Data Corp. (the “Plaintiff”) filed its complaint in this action on December 13, 2010;

WHEREAS defendant GXS, Inc. (the “Defendant”) filed its motion to dismiss the complaint on February 3, 2011;

WHEREAS the Stipulated Order Extending Time to Respond entered by the Court on January 10, 2011 extended the time for Plaintiff to amend the complaint up to and including March 23, 2011;

WHEREAS the Stipulated Briefing Schedule on Defendant’s Motion to Dismiss entered by the Court on February 10, 2011 extended the time for Plaintiff to file its opposition to Defendant’s motion to dismiss up to and including March 23, 2011, and the

time for Defendant to reply to any opposition filed by the Plaintiff up to and including April 20, 2011;

WHEREAS, on March 23, 2011 Plaintiff filed a response to the motion to dismiss and a first amended complaint that incorporated by reference the allegations of Plaintiff's original complaint filed on December 13, 2010 and set forth certain additional allegations;

THEREFORE:

(1) In the interests of judicial efficiency and economy, the motion to dismiss filed by Defendant on February 3, 2011, and the response to that motion filed by Plaintiff on March 23, 2011, shall be deemed to relate to the first amended complaint (including its incorporation by reference of Plaintiff's original complaint), and the existing briefing schedule for Defendant to file reply papers on the pending motion to dismiss shall remain in effect; and

(2) Should the Court deny in any part Defendant's motion to dismiss, Plaintiff shall within 10 business days of such ruling file a consolidated amended complaint that sets forth all of, and only the, allegations contained in Plaintiff's original complaint and its first amended complaint, in accordance with Fed. R. Civ. P. 10.

This stipulation is without prejudice to, and does not constitute any waiver of, any of Defendant's or Plaintiff's rights, remedies, claims or defenses in this action that are not specifically addressed herein. An electronic or facsimile copy of this Stipulation shall be treated as an original and becomes effective upon the full execution by the parties.

